

LENORE A. STIFFARM,
Appellant

v.

BILLINGS AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 98-38-A
:
:
: December 29, 1997

On December 15, 1997, the Board of Indian Appeals received a notice of appeal from Lenore A. Stiffarm, who seeks review of an October 28, 1997, decision of the Billings Area Director, Bureau of Indian Affairs, cancelling Fort Belknap Lease No. 970-97-01 for failure to pay rent in full.

The appeal is docketed under the above case name and number, which should be cited in all future correspondence or inquiries regarding the matter. The Board finds, however, that the circumstances of this case require that the appeal be dismissed.

The Area Director's decision stated:

This decision may be appealed to the Interior Board of Indian Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.340. Your notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you received this decision. * * *

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Appellant received the Area Director's decision on October 30, 1997, as shown by the return receipt for certified mail (green card) for Appellant's copy of the decision. Her notice of appeal is postmarked December 8, 1997. Accordingly, she has failed to file a timely notice of appeal.

Appellant seeks an extension of time for filing her notice of appeal. Although the Board has great sympathy for the situation she describes, it has no authority to grant an extension of time in which to file a notice of appeal. See 43 C.F.R. § 4.332(a): "A notice of appeal not timely filed shall be dismissed for lack of jurisdiction." See also 43 C.F.R. § 4.310(d)(1): "The time for filing or serving any document except a notice of appeal may be extended by the Board."

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed as not being timely filed.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge